

District Judge Thomas S. Zilly

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CHUNLIAN ZHU,

Petitioner,

v.

SEATTLE ICE FIELD OFFICE DIRECTOR,

Respondent.

No. C21-0255-TSZ-SKV

JOINT STIPULATION AND  
ORDER DISMISSING HABEAS  
PETITION

COMES NOW Respondent, by and through counsel, Tessa M. Gorman, Acting United States Attorney for the Western District of Washington, and James C. Strong, Assistant United States Attorney for said District, and Petitioner, by and through his counsel Sara Brin, Assistant Federal Public Defender, and hereby jointly stipulate and agree as follows:

WHEREAS on March 1, 2021, Petitioner filed a habeas petition challenging his continued immigration detention. Dkt. 1.

WHEREAS on April 26, 2021, Respondent filed a Return Memorandum and Motion to Dismiss Petitioner's habeas petition. Dkt. 7.

WHEREAS, on August 12, 2021, ICE removed Petitioner from the United States to China. Dkt. 23.

1 WHEREAS the parties agree that Petitioner's removal rendered the habeas petition moot  
2 because he is no longer in Respondent's custody and the only relief he sought was release from  
3 detention or a bond hearing. *See Abdala v. Immigration and Naturalization Service*, 488 F.3d  
4 1061, 1064-65 (9th Cir. 2007).

5 WHEREAS the parties agree that Respondent's motion to dismiss is also therefore moot.

6 WHEREAS the parties agree that this action should be dismissed as moot without fees or  
7 costs to either party.

8 NOW THEREFORE, the parties, through their respective counsel of record, do hereby  
9 stipulate and agree, and respectfully request, that the Court make and enter the following order:

- 10 1. Respondent's motion to dismiss is hereby denied as moot; and  
11 2. Petitioner's habeas petition is hereby denied and dismissed as moot without fees or  
12 costs to either party.

13 SO STIPULATED.

14 DATED this 17th day of August, 2021.

15 TESSA M. GORMAN  
16 Acting United States Attorney

s/ James C. Strong  
17 JAMES C. STRONG, OR No. 131597  
Assistant United States Attorney  
18 700 Stewart Street, Suite 5220  
Seattle, Washington 98101-1271  
19 Telephone: (206) 553-7970  
Fax: (206) 553-4067  
20 E-mail: [james.strong@usdoj.gov](mailto:james.strong@usdoj.gov)

21 Attorneys for Respondent  
22  
23  
24

1 SO STIPULATED.

2 DATED this 17th day of August, 2021.

3 s/ Sara Brin

4 SARA BRIN, WSBA No. 52476  
5 Assistant Federal Public Defender  
6 Federal Public Defender's Office  
7 1601 Fifth Avenue, Suite 700  
8 Seattle, Washington 98101  
9 Phone: (206) 553-1100  
10 Email: [Sara\\_Brin@fd.org](mailto:Sara_Brin@fd.org)

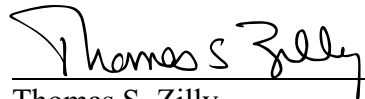
11 Attorney for Petitioner  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

**ORDER**

IT IS HEREBY ORDERED:

1. The Report and Recommendation of the Honorable S. Kate Vaughan, United States Magistrate Judge, docket no. 22, is STRICKEN as moot;
2. Respondent's motion to dismiss, docket no. 7, is STRICKEN as moot; and
3. Petitioner's habeas petition, docket no. 1, is dismissed as moot, without fees or costs to either party.

DATED this 23rd day of August, 2021.

  
Thomas S. Zilly  
United States District Judge